

TOWN OF DAVIE
UNITED RANCHES PRESERVATION COMMITTEE
SEPTEMBER 2, 2014

1. ROLL CALL

The meeting was called to order at 6:30 p.m. Members present were Ivan Gonzalez, Pat Mason, Vice Chair Toby Perkins, and Chair Ben Wesley. Also present were Planning and Zoning Manager David Quigley, Deputy Planning and Zoning Manager David Abramson. Carolyn Gill was absent.

Also present were Town Administrator Richard Lemack, Mayor Paul, Vice-Mayor Hattan and Councilmember Starkey.

2. MOTION TO EXCUSE COMMITTEE MEMBERS

Motion made by Vice Chair Perkins, seconded by Mr. Gonzalez, to excuse Carolyn Gill's absence. In a voice vote, the motion passed unanimously. (**Motion carried 4-0**)

3. APPROVAL OF MINUTES

3.1 March 17, 2014

Motion made by Mr. Gonzalez, seconded by Vice Chair Perkins, to approve the minutes of the March 17, 2014, meeting. In a voice vote, the motion passed unanimously. (**Motion carried 4-0**, with Ms. Gill absent)

4. ITEMS FOR CONSIDERATION

Mr. Quigley requested that the agenda items be re-numbered to reflect the rezoning of the Chabad Menachem Center as an item separate from the variance.

Motion made by Vice Chair Perkins, seconded by Mr. Gonzalez, to renumber the agenda items as suggested under Item 4. In a voice vote, the motion passed unanimously. (**Motion carried 4-0**, with Ms. Gill absent)

4.2 Rezoning (ZB 14-194) Chabad Menachem Center

10601 Stirling Road

It was noted that the applicant had waived the quasi-judicial aspect of the hearing.

Mr. Abramson presented the staff report, noting that the first request is to rezone the property from Agricultural Estates to Community Facility District. The second request is for a variance that includes four separate requests: reduce front and street-side (east) setbacks; reduce the minimum number of parking spaces; reduce the minimum landscaped island area; and increase the maximum building height. Mr. Abramson reported that the facility had two citizen participation meetings, and no opposition was expressed at either meeting.

Mr. Abramson stated that the subject property surrounding the area is within the bounds of Cooper City, and the closest building in height would be to the north, a building that has multiple stories. The applicant's request to increase the maximum height is due to the cupola, but the building itself is two stories high. Mr. Abramson continued that the maximum height allowed by code is 35 feet. However, since they have a tower feature, they are allowed to add 25 % of the required height for a total of 43 feet, 9 inches per the proposed zoning (CF).

Mr. Quigley stated that the reason the applicant is requesting a rezoning to CF is because any time there is a new development (with a few exceptions) the property must be zoned according to a current Town of Davie zoning district.

Chair Wesley wondered if the United Ranches Overlay District had to be adopted before the committee recommended this rezoning, and it was noted that it does not. The rezoning request is up to the Town Council.

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Vice Chair Perkins thought the parking reduction amount was “excessive.” Mr. Abramson commented that every item is looked at on a case-by-case basis. Mr. Abramson also stated that staff did not have any specific recommendations for approval or denial on the rezoning and variances; they do, however, acknowledge that the application is complete and ready for committee consideration. Mr. Quigley explained they generally do not make a recommendation before it goes to Town Council; the staff analysis stands by itself.

Mr. Chair Wesley requested staff to read their comments on the criteria (as he did not have a printed copy). Mr. Abramson did so, noting that staff felt the proposed rezoning was consistent with the future land use; staff did not, however, support Variance criteria “a” and “b”. As for criterion “c,” staff supported Variance 1 and 4, but not 2 and 3. Mr. Abramson further commented on Variance 3: for community facilities, the landscape code is not as strict as it would be for a commercial district. While the applicant does not meet this section of the code, they exceed other requirements for commercial districts.

Mr. Quigley stated that, just before the meeting, staff distributed a letter from Cooper City and noted that the applicant also received the letter.

Rabbi Pinny Andrusier, Director of Chabad of Southwest Broward, 10601 Stirling Road, introduced himself and his associate, Rabbi Aryeh Schwartz. Rabbi Andrusier noted that the property was in Broward County for some time before being incorporated into United Ranches/Davie, and they did not need rezoning for their project at that time.

Rabbi Andrusier provided a broad overview of the project, noting they had been at the location since 1992. He spoke briefly about the organization Chabad, and said their new facility is very much needed.

Chair Wesley explained how the property came to be annexed into Davie, due to Broward County’s request that all unincorporated areas of the County be annexed into a city/town.

Rabbi Schwartz showed a 3-D sketch of the project, and described the layout/purpose of the rooms in the building. Rabbi Andrusier said they hope to have a social hall on the second floor of the west building. He said they have not determined yet if the hall would be rented out, but said it would probably not be a very popular venue due to their religious observances (such as not allowing dancing). The applicant said it would most likely be used for lunches or simple parties.

Vice Chair Perkins asked about the square footage of the school room and the other building; Rabbi Schwartz said the total would be 11,765 square feet. The square footage of the breezeway between the two buildings was not itemized.

Vice Chair Perkins thought that by narrowing the breezeway they could gain more parking spaces. Rabbi Schwartz commented that reducing the breezeway might compromise the beauty of the property with a minimal gain in parking. He continued that their general approach to parking is mostly established by the fact they are orthodox and do not drive on the Sabbath, and the sanctuary is the main feature of the project. In addition, Rabbi Schwartz remarked that the sanctuary is the portion of the project that requires the single-largest amount of parking, which is where they do not need it.

Rabbi Schwartz continued that the because of the particular function of the building, they feel it would be more accurate to determine the parking needs by looking at the building piece by piece. Rabbi Schwartz noted that approach was supported in the code (Section 12:210). He then read from that section from the code, noting they included that reference in their variance

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application. At maximum, the required parking that they feel appropriate per code would be 126 spots.

Rabbi Andrusier added that the highest time of usage would be the High Holidays – they hold those services at another location. He mentioned that even larger synagogues than theirs in Broward County have less parking.

Mr. Gonzalez asked what the maximum capacity of the sanctuary was, and Rabbi Andrusier said it was 240, and the second story seating area would be for an additional 150 seats (390 total).

Vice Chair Perkins verified that they would continue holding the High Holiday services at another location.

Mr. Gonzalez asked the applicant to explain the access to the property. The applicant responded that a turning lane would enter the west end of the property from an existing turning lane on Stirling Road. They put in a sidewalk along Southwest 106 Avenue, which is indicated on the site plan.

Rabbi Andrusier also pointed out they have an excellent working relationship with their neighbor to the north, a mosque.

There was a question about the occupancy load of the structure, and the applicant responded that a large portion of the first floor is for a ritual bath, executive offices and four classrooms. Mr. Abramson stated the occupancies are not normally calculated until the time of the building permit.

Regarding the building height, Mr. Gonzalez was concerned that if this building is allowed to be higher, then others will follow suit and want to build even higher. Rabbi Schwartz remarked there was “significant precedence” for a place of worship to exceed the maximum height.

Rabbi Schwartz then returned to the discussion of the parking spaces. In 2011, he said they entered into a Declaration of Restrictive Covenant for cross-parking with the mosque to the north of them. Rabbi Schwartz noted that covenant was recorded with the County and was also referenced in the variance application.

Chair Wesley asked which days were heavy-use days for the mosque, and Rabbi Schwartz replied it is Friday. They have approximately 90 marked parking spots and a large empty field which is also used for parking.

Rabbi Andrusier stated they only cater to their direct area (within walking distance) – there are other Chabads every two or three miles. Due to that, they do not anticipate attracting large crowds.

Rabbi Andrusier expressed surprise at the letter from Cooper City being sent at the last minute, noting he has had a good relationship with them. He said that no one from Cooper City attended either public meeting about the project, and he plans to visit their city leaders on the topic.

Mr. Mason asked what the current membership was, and the applicant replied the paid membership is 50, but there are more who participate in the programs. Due to that, Mr. Mason wondered if they could get by with a smaller sanctuary, thus accommodating the setback requirements. Rabbi Schwartz replied that the size is not so much due to anticipating growth, but due to the nature of the land, a narrow property. The building is going to be named after a donor/member’s mother, and they want to honor her memory.

Chair Wesley verified with staff that Cooper City had no jurisdiction on this property, and Mr. Abramson said the letter was merely to express opposition. Upon Mr. Abramson’s

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suggestion, the applicant visited Cooper City for recommendations, and they received a list of items on which they spent time and money in the spirit of cooperation.

Rabbi Andrusier stated that the turning lane design not matching the plat did not come up. Rabbi Schwartz added that they had worked with Cooper City every step of the way, and wondered who actually had authorized the letter.

Chair Wesley opened the floor to public comment.

Leon Weissberg said he has known the Rabbis and the Chabad for some time and has been professionally involved with Jewish education. He felt the letter from Cooper City arose from some ongoing bad feelings towards the Chabad. He said the small parking lot adequately accommodates the 15-20 people who drive. Mr. Weissberg continued that the Chabad wants to benefit the community. He spoke about the history of Jews in the area, and urged the Committee to continue supporting the Jewish community in Davie.

Hearing no further comments, Chair Wesley closed the floor to public comment.

Mr. Gonzalez asked staff if there was anything “out of place” regarding the zoning and life safety that might require a second look later on. Mr. Abramson replied that the site plan and other permits are handled separately, and the plan has been reviewed by the Town Engineer and the Fire Department.

Mr. Mason wondered if staff had spoken to the applicant about any design alternatives which may permit more parking. Mr. Quigley commented they did have that conversation about reducing the scale of the buildings to alleviate the parking and setback issues, and the applicant has had the opportunity to redesign.

Vice Chair Perkins stated she is still concerned about the parking for special events such as bar and bat mitzvahs, but felt the agreement with the mosque would help. Her concern arose from the possibility of parking overflowing into the neighborhood. The applicant reiterated that they wanted to be on good terms with the neighbors. He added that if a family brings a van, it stays from Friday night to Saturday night.

Vice Chair Perkins was agreeable to the other variances.

Mr. Mason had no problem with the height, but had an issue with the setback from the street, referencing problems in Hollywood with inadequate setbacks. He said that right now the parking is probably fine, but doubted it would be so in the future due to their plans for growth.

Mr. Gonzales echoed Mr. Mason’s comments about the crowding of the lot, but admired the aesthetics of the building.

Chair Wesley said the parking was the biggest issue in his mind. He was not concerned about the height.

Motion made by Mr. Mason, seconded by Vice Chair Perkins, to accept Agenda Item 4.2, the rezoning. In a voice vote, the motion passed unanimously. (**Motion carried 4-0**, with Ms. Gill absent.)

4.1 Variance (V14-193) Chabad Menachem Center

10601 Stirling Road

Chair Wesley asked staff if there were any conditions that could be placed on the variances to limit events on non-Sabbath days of the week. Mr. Abramson suggested that it would be more effective to have an enforceable recommendation on some quantifiable technical aspect, such as the number of parking spaces.

In response to a query about parking, Mr. Abramson commented that the State would not allow swale parking on Southwest 106 Avenue. He suggested a sidewalk from the property to

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the north to the subject property, so that people would not be walking along Southwest 106 Avenue. Vice Chair Perkins thought that even a gate between the mosque and the Chabad would assist people using the parking area at the mosque.

Mr. Abramson reiterated that the applicant has a recorded agreement for cross-parking with the mosque, but he had not had the opportunity to review it.

Chair Wesley felt the Committee did not have the expertise to determine what would be the correct number for parking.

Mr. Abramson stated that the site plan has already been approved by the Site Plan Committee, and will go to the Planning and Zoning Board (both of which are recommending boards). Ultimately the Mayor and Town Council are the ones to make the decision.

In response to a question about emergency access to the property, Mr. Abramson said that the Fire Marshall reviewed the plan and determined the fire trucks would pull up on Stirling Road and access the fire hydrants there. Service truck maneuverability was provided by the applicant, and it does meet the minimum requirement.

Mr. Mason wondered if the parking lot at the nearby park was locked at night. Mr. Abramson said it was owned by Cooper City, and he was not sure of the operations. The applicant said he was planning to ask for use of the parking lot if other measures were not sufficient. Mr. Mason asked what would happen if the mosque decided to sell their property. Rabbi Andrusier said they would be ready to buy if that happened, although he did not anticipate them selling. He added that the property to the east had been up for sale for an “unreasonable price.”

Chair Wesley wondered if they could approve the portions of the variances they are comfortable with, and send the others for further review by the Town Council. Mr. Quigley responded that as much direction as they can provide would be helpful to the Town Council. Mr. Abramson verified that the setback the Committee is concerned about is on the Stirling Avenue side. He said that is considered the front setback.

Mr. Quigley restated the four items on the variance:

- 1 - Front and street side setbacks
- 2 - Parking
- 3 - Landscape island width
- 4 - Building height

Rabbi Andrusier stated that they were the ones who built the right-turn lane and the sidewalk, and that took up a lot of the original setback. Mr. Abramson pointed out the (hidden) dash line on the site plan that runs over the building, which signifies the area where a structure can be built based on the current setbacks for the CF District. Rabbi Schwartz commented that, being aware of the setback, the architect designed the building to alleviate the visual impression that they built “right up to the street.”

Mr. Mason wondered if they could move the whole building to the north if there was enough room. Mr. Abramson stated that the required rear setback is 25 feet and they are proposing 16.9 feet. Rabbi Andrusier said that all the property to the north is owned by the mosque. Mr. Abramson commented that the applicant had gone through Central Broward Water Control District based on the drainage plan submitted. They also proposed a lift station on the northeast corner of the property. Moving the building would essentially make them “start over.”

Mr. Mason sought clarification on the front setback. Mr. Abramson pointed out that setbacks are measured from the property line, not the edge of the road, and the sidewalk is within

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the right-of-way. The code requires 50 feet from the property line, and the building is 27.4 feet from the property line.

Motion made by Vice Chair Perkins, seconded by Mr. Gonzalez, to allow for the variances with the exception of the parking, whereby they request that the Town Council and staff review the documentation between Chabad and the mosque to establish that there will be sufficient parking spaces and that the agreement between the two religious centers is sufficiently legal.

Mr. Mason clarified that the Town Council would also have to concur that the agreement was sufficient. Mr. Quigley said that the Planning and Zoning Board is used to dealing with this variance, so their comments will be added going forward.

In a voice vote, the motion passed unanimously. (**Motion carried 4-0**, with Ms. Gill absent.)

4.3 United Ranches Overlay District

(Presented by David Quigley, Planning and Zoning Manager)

Mr. Quigley recalled the discussion on community homes in the unprotected area at the prior meeting. He reminded the Committee that the original approach was to propose rezoning the area to an appropriate Town of Davie district, but they believed it would be difficult to implement. What they now propose is to take the existing United Ranches Overlay District (with suggested modifications) and modify it so that the following uses could not be allowed without first being rezoned to a current Town-wide district:

- nonprofit neighborhood social/recreational facilities
- places of worship and accessory schools
- community residential facilities
- veterinary clinics and hospitals
- kennels, commercial boarding/breeding
- essential services (utility plants, etc.)

Mr. Quigley stated that the proposal would leave single-family residences, definitions of accessory uses, definitions of agricultural uses, and setbacks unchanged. He said it would be a text amendment to the code that would not require rezoning the property.

Mr. Mason asked how fences would fit in. Mr. Quigley responded that the Rural Lifestyles Regulations have strict requirements regarding fences, but they do not typically apply them in the United Ranches area. This overlay would not change anything about fences in United Ranches. Mr. Quigley stated that the proposed revisions would control only those “high risk” use, those capable of creating unexpected impacts.

Chair Wesley was curious if there were any other uses that were contemplated but not listed, and Mr. Quigley replied in the negative.

Vice Chair Perkins wondered if the restriction on boarding/breeding facilities would affect existing commercial agricultural horse-breeding facilities. Mr. Quigley said the restriction would just relate to cats and dogs, not agriculture. He added the terms are defined in the code. Chair Wesley confirmed that livestock breeding would not be endangered.

Mr. Quigley stated that established uses may be dealt with as legal non-conforming uses. Mr. Quigley explained the ramifications of legal non-conforming uses, noting the sale of the property does not generally affect that use. If a physical expansion were proposed, the Town

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would have to determine if that were allowed; if not, the owner may have to seek a zoning change.

Chair Wesley wondered how any recently established community residential facilities would be affected. Mr. Quigley replied it would be based on whether the use was lawfully established at the time of annexation (September 15, 2006). Chair Wesley confirmed that if a community residential facility was established after that date but before the passing of the overlay district (October 2014), they would have some legal rights. Mr. Quigley clarified that the key point would be the ability to expand. If they were in place in 2006, they could expand in a normal way. If they came in between 2006 and 2014, they would have to be addressed as a legal nonconforming use and go through those steps.

Since she has seen evidence of some new construction, Vice Chair Perkins asked if any community residential facilities had applied for a permit. Mr. Quigley was not aware of any, but will follow up on it.

Mr. Mason wondered why the Committee used to be a "board," but is now a "committee." Mr. Quigley answered that the Town reformulated the board and committee structure and nomenclature. Mr. Quigley will check to see how the Committee is referenced in the annexation document. Chair Wesley verified there was no change in their responsibilities or prerogatives by being called a "committee" instead of a "board." Mr. Quigley spoke about the merger of the Local Planning Agency with the current Planning and Zoning Board.

Motion by Mr. Mason, seconded by Vice Chair Perkins, to accept the concept of the United Ranches Overlay District. In a voice vote, the motion passed unanimously. (**Motion carried 4-0**, with Ms. Gill absent.)

5. OLD BUSINESS – none.


6. NEW BUSINESS – none.

7. COMMITTEE MEMBER COMMENTS AND/OR SUGGESTIONS – none.

8. ADJOURNMENT

Hearing no further business, Chair Wesley adjourned the meeting at 8:32 p.m.

Date Approved: 10-6-14

A handwritten signature in black ink, consisting of several overlapping, stylized loops and strokes, positioned above a horizontal line.